

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL.**

Writ Petition No. 2281(S/S)2001
(Old no. 17621 of 1998)

Jahangir Alam S/o Shri Mohd. Ashfaq,
Resident of village Sultanpur Kunhari,
Tehsil Laksar, District Haridwar.

--- Petitioner.

Vs.

1. Basic Shiksha Adhikari, Haridwar,

2. Basic Education Board, U.P. Allahabad.

----Respondents.

Sri.K.N. Joshi, learned Counsel for the petitioners,
SriH.M. Raturi, learned Standing Counsel for State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri. K.N. Joshi, learned Counsel for the petitioner
and Sri H.M. Raturi, learned Standing Counsel for State of
Uttarakhand.

By means of this writ petition, the petitioner has prayed
for the following reliefs:-

- i. Writ, order or direction in the nature of mandamus commanding the opposite parties to count the seniority of the petitioner alongwith other candidates who joined the Institution as first appointees immediately after the selection dated 15.02.1996,
- ii. Writ, order or direction in the nature of mandamus directing the opposite parties to pay to the petitioner the salary and other monetary service benefits since March 1996 till June 1997, which has been wrongly denied by opposite party no.1 inspite of the representation dated 01.05.1998 annexure no.5 to this writ petition,

- iii. Writ, order or direction in the nature of mandamus directing the opposite party no. 1 to decide the representation dated 01.05.1998 annexure no. 5 within a period of two months,
- iv. To allow the interest @ 12% p.a. on the arrears as calculated in relief-2 above which may be paid to the petitioner,
- v. Any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,
- vi. Award the cost of the litigation to the petitioner.

Stand of the petitioner is that though, he was selected alongwith some other persons on the post of Assistant Teacher in the Education Department in State of Uttarakhand (at that time State of U.P.) but he was not provided appointment, however the others were given appointment.

The petitioner represented before the respondents and also filed writ petition before the Allahabad High Court and the Allahabad High Court directed the respondents to provide appointment to the petitioner also as he has been selected alongwith other appointees. The petitioner, thereafter was provided appointment by the Department, consequently the writ petition before the Allahabad High Court was dismissed being infructuous. Now the petitioner is claiming seniority from the date when he was selected alongwith the other persons and not from the date when he was provided appointment in compliance of the High Court's order.

In this context, the petitioner has already moved representation before the District Basic Education Officer,

Haridwar on 01.05.1998, which is annexed as annexure no. 5 to the writ petition.

In the circumstances aforesaid, the respondent no.1 i.e. the Basic Education Officer, Haridwar is directed to take decision on the representation of the petitioner dated 01.05.1998 contained as annexure no. 5 to the writ petition within a period of six weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

May 4, 2007:
NCM: